

Montgomery Repeals Lawn Sign Limit

ACLU Threatened to Sue Over 30-Day Restriction on Messages

By TIM CRAIG
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The Montgomery County Council voted yesterday to repeal a provision that requires property owners to remove lawn signs after 30 days or pay \$30 to apply for a permit to keep them up longer.

The American Civil Liberties Union had argued that the time limit — a provision in a larger sign ordinance that had been in place since 1998 — violates the First Amendment right to free speech, and the organization was threatening to sue the county.

Although county attorneys said yesterday that they were willing to defend the law, the council appeared reluctant to pick a fight with the ACLU.

"There is a disconnect between the U.S. Constitution and our sign ordinance, and that is why we must pass this bill," said council member Howard A. Denis (R-Potomac-Bethesda), a sponsor of an amendment to repeal the time-limit provision.

The repeal, which goes into effect

Feb. 3, will apply only to private properties. Signs posted in public rights of way will still have to be removed after 30 days.

The two council members who voted against changing the law, Nancy Floreen (D-At Large) and Marilyn Praisner (D-Eastern County), warned that unsightly signs may soon proliferate in neighborhoods.

"The real issue is what it means for neighborhoods," Floreen said.

The ACLU represents a group of residents who erected signs to protest the planned construction of what they considered an oversize house in their Chevy Chase area neighborhood of Brookdale. A limited liability corporation headed by Thomas R. Eldridge, a developer and Somerset Town Council member, bought a 2½-story house in Brookdale in March and tore it down. The corporation has since broken ground on a house that residents contend will be four stories.

In August, several dozen residents posted signs in their yards that read, "Council Member Eldridge, We Don't Want Your McMansion for

Profit in Our Neighborhood!"

In September, the county Department of Permitting Services, which in July approved Eldridge's plans for building the house, said the signs had to go.

When six residents refused, they were issued violation notices, the first step toward fines that could have approached \$500.

After the ACLU got involved, County Executive Douglas M. Duncan (D) announced that he supported scrapping the 30-day limit. But the county Planning Board, concerned that lawn signs could stay up forever, urged the council not to act on the proposal.

Several community groups also opposed repealing the time limit.

"It opens the door to visual clutter," said Dennis Holden, co-chairman of the Fairland Coalition, a community group in the Burtonsville area.

But council member Phil Andrews (D-Gaithersburg-Rockville) argued yesterday that "eliminating clutter is not an argument for limiting free speech."